

**Notice of Allowability**

Application No.

10/555,920

Examiner

Daniel McNally

Applicant(s)

BOYWITZ ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 11/07/2005.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 11/07/2005, 05/15/2006.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-6 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose a method of bonding a layer of thermoplastic to the surface of a foamed elastomer by using heat radiation. The prior art of record does not provide motivation for using a foamed electrometric material when with radiant heating.

The closest prior art Terasawa et al. [EP0159169] (of record) discloses a method of joining two substrates of different kinds of synthetic resin using a laser welding technique. Terasawa discloses the method above comprising providing two synthetic resin substrates, one of which is transmits laser beam radiation and the other absorbs the laser beam, exposing the substrates to laser beam radiation, and pressing the substrates together during the laser beam exposure. Terasawa discloses the laser beam transmitting substrate, as comprising a thermoplastic, however, the laser beam absorbing substrates is not discloses as an elastomer, let alone a foamed elastomer.

Weihrauch [US6500296] (newly of record) discloses a method of laser bonding monofilaments. The method comprises providing monofilaments of different laser beam absorption, such as a thermoplastic and an elastomer (column 1, lines 35-62), contacting the surface of the different monofilaments, and introducing laser to the contacting portion of the monofilaments to weld the monofilaments together. Weihrauch also discloses altering the structure of one of the two monofilaments by using a micro-foam structure form (column 4, lines 6-21). Weihrauch does not explicitly state which of

the two types of monofilaments has the foam structure, and the monofilaments are not disclosed as pressed together during the laser beam exposure.

Chung-Yuan Wu's "Fiber Laser Welding of Elastomer to TPO" (newly of record) discloses that it is known to join a thermoplastic to an elastomer by laser welding. Wu discloses clamping the materials to be welded together, however Wu is silent as to the electrometric material being foam.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

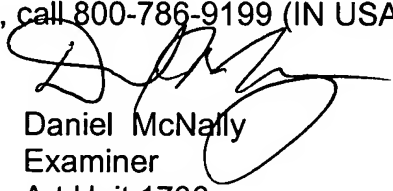
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel McNally whose telephone number is (571) 272-2685. The examiner can normally be reached on Monday - Friday 8:00AM-4:30PM.

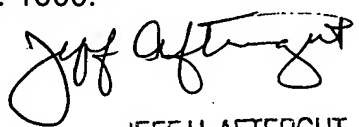
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel McNally  
Examiner  
Art Unit 1733



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300

dpm  
March 9, 2007